

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
Civil Action No. 3:16-cv-\_\_\_\_\_

CRYSTAL ESCHERT,

Plaintiff,

v.

CITY OF CHARLOTTE,

Defendant.

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, the Defendant, City of Charlotte, hereby files this Notice of Removal to remove the captioned action from the General Court of Justice, Superior Court Division, Mecklenburg County, North Carolina, Case No. 16-CVS-7034, to the United States District Court for the Western District of North Carolina, Charlotte Division. The removal of this civil action is proper because:

1. This civil action was originally filed in the General Court of Justice, Superior Court Division, Mecklenburg County, North Carolina, Case No. 16-CVS-7034 (the “State Court Action”). Mecklenburg County is within the District of this Court.

2. On May 5, 2016, the Plaintiff filed the Complaint in the State Court Action.

3. A copy of the Summons and Complaint was accepted as served on the City of Charlotte on May 6, 2016.

4. A copy of the Summons and Complaint and all other process, pleadings and orders served on the City in the State Court Action are attached hereto as **Exhibit 1** pursuant to 28 U.S.C. § 1446(a).

5. This removal petition is timely filed within thirty (30) days after the City was served with the Summons and Complaint. See 28 U.S.C. § 1446(b).

6. Pursuant to 28 U.S.C. § 1331, this Court has jurisdiction over this action because the Complaint alleges claims that arise under the Constitution and laws of the United States. Therefore, this action is suitable for removal under 28 U.S.C. § 1441. Specifically, the Plaintiff asserts claims against the Defendant arising under the First Amendment to the United States Constitution and 42 U.S.C. § 2000e for alleged violations of Plaintiff's rights.

7. Plaintiff also alleges several state claims connected by the same chain of events from which Plaintiff's federal claims arise. All of these state claims are so related to Plaintiff's federal claims "that they form part of the same case or controversy under Article III of the United States Constitution." 28 U.S.C. § 1367(a). As such, the Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a) of the state law causes of action brought by Plaintiff in this lawsuit.

8. Pursuant to 28 U.S.C. § 1446(d), contemporaneously with the filing of this Notice of Removal, the City is submitting for filing with the Superior Court of Mecklenburg County the Notice of Filing of Notice of Removal that is attached hereto as **Exhibit 2**. In addition, on this 6<sup>th</sup> day of June, 2016, the City is serving a copy of this Notice of Removal on all counsel of record via United States Mail, first-class postage prepaid.

**WHEREFORE**, the Defendant, City of Charlotte, having shown that the State Court Action is properly removable under federal question jurisdiction, respectfully requests the Court to exercise its jurisdiction over the State Court Action.

Respectfully submitted, this 6<sup>th</sup> day of June, 2016.

/s/ Sara R. Lincoln

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*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that this **NOTICE OF REMOVAL** was filed electronically and served on all parties through their counsel via first-class mail, postage prepaid and properly addressed as follows:

Margaret B. Maloney, Esq.  
Maloney Law & Associates, PLLC  
1824 E. Seventh Street  
Charlotte, NC 28204

*Attorney for Plaintiff*

**THIS 6<sup>th</sup>** day of June, 2016.

/s/ Sara R. Lincoln  
Sara R. Lincoln